

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LESLIE WASHINGTON,

Plaintiff,

CASE NO: 04-10352

vs.

DISTRICT JUDGE DAVID M. LAWSON
MAGISTRATE JUDGE CHARLES E. BINDER

CHIEF JOHN DOE, Brownstown
Police Department, *et al.*,

Defendants.

ORDER STRIKING ADDENDUM

This order is entered under the authority given to this Magistrate Judge by an Order of Reference issued by District Judge Lawson pursuant to 28 U.S.C. § 636(b)(1)(A).

Rule 15 of the Federal Rules of Civil Procedure provides in pertinent part that “a party may amend the party’s pleading once as a matter of course at any time before a responsive pleading is served” FED R. CIV. P. 15(a). The rule goes on to state as follows:

Otherwise a party may amend the party’s pleading only by leave of court or by written consent of the adverse party[.]

Id.

This prisoner civil rights suit was originally filed in December 2004. On April 18, 2005, Plaintiff filed an amended complaint. (Dkt. 18.) This filing was within the scope of Rule 15(a)’s “once as a matter of course” as service had not yet been ordered on any of the defendants and therefore no responsive pleading had been served.

On April 25, 2007, the *pro se* plaintiff filed a 174-page document entitled “Addendum to my Civil Complaint.” (Dkt. 31.) The document restates Plaintiff’s original claims and adds new material, so it is construed by the Court as a second amended complaint. This second amended complaint was filed in violation of Rule 15(a). Since Plaintiff had already amended her complaint once as a matter of course, Plaintiff was required by Rule 15(a) to obtain either

leave of court or written consent of the adverse parties before filing the document, which she did not do.

Accordingly, **IT IS ORDERED** that Dkt. #31 be stricken from the Court's docket and the image removed.

Review of this order is governed by 28 U.S.C. § 636(b)(1), FED. R. CIV. P. 72, and E.D. Mich. LR 72.1(d).

s/ *Charles E Binder*

CHARLES E. BINDER
United States Magistrate Judge

Dated: August 1, 2007

CERTIFICATION

I hereby certify that this Order was electronically filed this date, and served on Leslie Washington by first class mail.

Date: August 1, 2007

By s/Jean L. Broucek
Case Manager to Magistrate Judge Binder